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SUBJECT: OHCHR ACTIVE AND EFFECTIVE IN NEPAL

REF: A. SECSTATE 73151

- [1](#)B. KATHMANDU 1373
- [1](#)C. KATHMANDU 1376
- [1](#)D. KATHMANDU 2166
- [1](#)E. SECSTATE 73948

- [1](#)F. KATHMANDU 1074

Summary

[1](#)1. The work of the United Nations Office of the High Commissioner for Human Rights in Nepal (OHCHR) has been effective and useful for Post's reporting. The office in Kathmandu is the largest UN human rights presence anywhere (ref A). OHCHR has played an active role in monitoring various aspects of the peace process. It has also imposed a degree of accountability and responsibility for both the Government of Nepal (GON) and the Maoists. OHCHR focuses on the effect GON and Maoist actions have on women and children in Nepal, and works with people who have been internally displaced by the conflict. OHCHR has a strong public outreach campaign that has been used well to promote OHCHR programs, as well as supporting the UN assessment team that traveled to Nepal in early August. End Summary.

Monitoring Government and Maoist Violations of the Cease-Fire

[1](#)2. OHCHR has actively monitored and reported on GON and Maoist violations of the 25-point cease-fire code of conduct signed between the GON and the Maoists in May (ref B). OHCHR has reported on Maoist extortion, looting, abductions, kangaroo courts, parallel government institutions, and intimidation through weekly reports disseminated to the donor community. These reports have been invaluable in keeping Post informed of Maoist activities, and helping Post to report on them.

Monitoring Human Rights Violations

[1](#)3. OHCHR monitors the GON, the Maoists, and the House of Representatives for violations or potential violations of human rights. A press release from July listed the number of killings by the Maoists since the beginning of the current cease-fire. Press releases and other information produced by OHCHR have been helpful to Post's ability to follow and report on the actions of the Maoists outside of the Kathmandu Valley.

¶4. OHCHR has focused on excessive use of force by security forces in Nepal, especially during the April "People's Movement." OHCHR reports regarding use of force have helped to make the Nepal Army, the Armed Police Force, and the Nepal Police more accountable and responsible by bringing their actions to light. Post has been supportive of OHCHR investigations into the GON security forces, and continues to encourage GON officials to share information openly with OHCHR.

¶5. OHCHR has reported various alleged human rights violations by the Nepal Army, most notably a May 2006 report regarding torture and disappearances of suspected Maoists in the Bhairabnath Battalion barracks by Nepal Army forces (ref C). This report, and others like it, have been vital in Post's compliance with Leahy human rights vetting. The report was also published and followed closely in the local media. With OHCHR assistance, families of the alleged victims of the Bhairabnath Battalion have filed court cases against the Nepal Army officers involved.

Monitoring the Peace Process

¶6. The GON and the Maoists asked OHCHR, in separate letters to the UN, to "continue its human rights monitoring through the...OHCHR" (ref D). OHCHR worked closely with the visiting UN assessment team in early August, providing logistical support and information to the team. OHCHR continues to monitor the Interim Constitution Drafting Committee and the work of the National Monitoring Committee on the Code of Conduct for the Ceasefire.

Monitoring Legal Developments Related to Human Rights

¶7. OHCHR has followed closely the legal developments of the GON, especially since the restoration of Parliament in April. As the newly reformed Parliament changed Nepal's laws relating to the King, security forces, Nepal Army, women's rights, secularization of the state, and more, OHCHR has been monitoring and reporting on these actions in terms of their effect on human rights.

¶8. OHCHR has also followed the legal and justice systems of the Maoists, sharing with Post information about Maoist "People's Courts" and the Maoist "legal code." OHCHR has a permanent legal advisor in Nepal who follows these issues closely and monitors the human rights issues associated with legal changes both in the GON and the Maoist party.

Monitoring Cases of Disappearances by the GON and the Maoists

¶9. OHCHR has consistently been one of the key sources of information for Post regarding disappearances perpetrated by the GON and the Maoists. OHCHR keeps an updated list of disappearances from both sides of the conflict, including information received from all sides and from the press, and shares that list with us frequently.

Monitoring the Situation of Women and Children

¶10. OHCHR monitors the situation of women and children in Nepal, separately reporting violations of human rights affecting these groups. OHCHR also reports on the ways that new laws and regulations affect the rights of women and children. OHCHR has a working group on children in armed conflict, taking an active part in supporting the release of children from armed forces, particularly the Maoist militia and "People's Liberation Army," and those children's reintegration into society.

Internally Displaced Persons

¶11. OHCHR continues to monitor the issues surrounding persons displaced internally by the conflict in Nepal. OHCHR has held formal and informal meetings with Maoist groups and the government to encourage both sides to allow internally displaced persons to return home and to support them once they return. The reporting from OHCHR on these issues has been valuable to Post as we gather information about internally displaced persons.

Public Information and Outreach

¶12. OHCHR provides public information and outreach across the country on many issues. Two of their most recent projects include a social exclusion mapping project and a "right to information" film project. OHCHR also provided media support to the UN assessment mission and will likely continue in such a role with any UN mission that may come to Nepal in the future.

Comment

¶13. The field activities of OHCHR in Nepal have been effective and valuable for Post's reporting. Embassy Kathmandu enjoys a good relationship with OHCHR and other UN officials. We will continue to work with OHCHR to promote human rights and the advancement of democracy and rule of law in Nepal.
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